

Message Text

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ACTION IO-10

INFO OCT-01 AF-06 EUR-12 NEA-10 ISO-00 ARA-06 EA-07

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TO SECSTATE WASHDC PRIORITY 3521

INFO AMEMBASSY ALGIERS PRIORITY

AMEMBASSY MADRID PRIORITY

AMEMBASSY RABAT PRIORITY

AMEMBASSY NOUAKCHOTT PRIORITY

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E.O. 11652: N/A

TAGS: PFOR, UN, SS

SUBJECT: SECURITY COUNCIL: SPANISH SAHARA

REF: USUN 5553

MISSION HAS RECEIVED ADVANCE COPY SYG REPORT ON SAHARA TO
BE RELEASED NOV 1. TEXT FOLLOWS:

QUOTE 1. AT ITS 1850TH MEETING, ON 22 OCTOBER 1975, THE
SECURITY COUNCIL ADOPTED BY CONSENSUS RESOLUTION 377 (1975)
WHICH READS AS FOLLOWS: (INSERT FULL TEXT OF RESOLUTION)

2. IN CARRYING OUT THE REQUEST ADDRESSED TO ME BY THE
SECURITY COUNCIL IN PARAGRAPH 1 OF THE RESOLUTION, I PROCEEDED
TO HOLD CONSULTATIONS WITH THE PARTIES CONCERNED AND INTERESTED.
I VISITED THEM IN THE FOLLOWING ORDER: MOROCCO, MAURITANIA,
ALGERIA AND SPAIN.

3. THE PRESENT REPORT IS SUBMITTED TO THE SECURITY COUNCIL
IN ACCORDANCE WITH THE COUNCIL'S REQUEST THAT I SHOULD REPORT
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AS SOON AS POSSIBLE ON THE RESULTS OF MY CONSULTATIONS.

I. CONSULTATIONS WITH THE PARTIES

4. IMMEDIATELY FOLLOWING THE ADOPTION OF RESOLUTION 377 (1975) ON 22 OCTOBER 1975, I TRANSMITTED THE TEXT OF THE RESOLUTION BY TELEGRAM TO THE GOVERNMENTS OF THE PARTIES CONCERNED AND INTERESTED.

5. AT THE SAME TIME, I UNDERTOOK A SERIES OF SEPARATE MEETINGS AT THE UNITED NATIONS HEADQUARTERS WITH THE REPRESENTATIVES OF THE FOUR GOVERNMENTS. IN THE COURSE OF THOSE MEETINGS, IT BECAME EVIDENT THAT, IN VIEW OF THE COMPLEXITY OF THE SITUATION, IT WOULD BE NECESSARY FOR ME TO CONSULT DIRECTLY WITH THE HEADS OF STATE OR GOVERNMENT OF THE PARTIES. ACCORDINGLY, IT WAS AGREED THAT I SHOULD AS SOON AS ARRANGEMENTS COULD BE MADE, TRAVEL TO THEIR COUNTRIES IN ORDER TO CARRY OUT SUCH CONSULTATIONS.

6. I LEFT NEW YORK DURING THE MORNING OF 25 OCTOBER, ACCOMPANIED BY A SMALL STAFF, AND AT 9.30 A.M. ON THE FOLLOWING DAY, I ARRIVED IN MARRAKECH, MOROCCO. I HAD EXTENSIVE DISCUSSIONS WITH HIS MAJESTY, KING HASSAN II, FOLLOWING THE OPENING CEREMONY OF A DAM AT SIDI CHEHO TO WHICH I HAD BEEN INVITED. DURING THOSE DISCUSSIONS, THE POSITION OF MOROCCO WAS EXPLAINED TO ME IN DETAIL.

7. FOLLOWING THOSE DISCUSSIONS, WHICH LASTED UNTIL ABOUT 4 P.M., I PROCEEDED DIRECTLY TO NOUAKCHOTT, MAURITANIA, WHERE I ARRIVED AT 7.30 P.M. ON THE SAME DAY. LATER THAT EVENING, I HAD A MEETING WITH PRESIDENT MOKTAR OULD DADDAH DURING WHICH WE DISCUSSED EXTENSIVELY THE POSITION OF MAURITANIA.

8. NEXT MORNING, 27 OCTOBER, I TRAVELLED TO ALGIERS, WHERE I ARRIVED AT 1.40 P.M. LATER IN THE AFTERNOON, I HAD A THOROUGH DISCUSSION WITH PRESIDENT HOUARI BOUMEDIENE, DURING WHICH THE PRESIDENT FULLY APPRISED ME OF THE POSITION OF ALGERIA.

9. THE SAME EVENING I LEFT ALGIERS FOR MADRID, WHERE I ARRIVED AT 10 P.M. THE FOLLOWING MORNING, I HAD EXTENSIVE TALKS WITH THE PRESIDENT OF THE GOVERNMENT, MR. ARIAS NAVARRO, AND LIMITED OFFICIAL USE

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WITH THE MINISTER FOR FOREIGN AFFAIRS ON THE POSITION OF SPAIN.

10. IN THE AFTERNOON OF 28 OCTOBER, I LEFT MADRID TO RETURN TO NEW YORK. UPON LEAVING MADRID, AS I HAD PREVIOUSLY AGREED DURING MY EARLIER CONSULTATIONS, I SENT MR. ANDRE LEWIN AS MY PERSONAL REPRESENTATIVE TO MARRAKECH AND ALGIERS, IN ORDER TO INFORM HIS MAJESTY KING HASSAN II AND PRESIDENT

BOUMEDIENE OF THE LATEST POSITION OF SPAIN
AND OF CE
TAIN SUGGESTIONS WHICH HAD EMERGED DURING MY DIS-
CUSSIONS. THE MINISTER FOR FOREIGN AFFAIRS OF MAURITANIA,
WHO HAPPENED ON THAT DAY TO BE IN MADRID TOGETHER WITH THE
MINISTER FOR FOREIGN AFFAIRS OF MOROCCO, WAS BRIEFED BY
MR. LEWIN, WITH A VIEW TO INFORMING PRESIDENT OULD DADDAH.

11. ALL THESE CONSULTATIONS HAVE ENABLED ME TO CLARIFY THE
RESPECTIVE POSITIONS OF THE FOUR GOVERNMENTS WHICH ARE SET OUT
BELOW.

II. POSITION OF MOROCCO

12. THE POSITION OF MOROCCO, AS EXPLAINED DURING THE CON-
SULTATIONS WITH HIS MAJESTY, KING HASSAN II, CAN BE SUMMARIZED
AS FOLLOWS:

(A) MOROCCO COULD NOT ACCEPT THE THESIS THAT THE
SUBSTANTIVE QUESTION, NAMELY, THE DECOLONIZATION
OF WESTERN SAHARA, MUST BE KEPT SEPARATE FROM THE
SITUATION WHICH HAD ARISEN AS A RESULT OF THE
"GREEN MARCH" TOWARDS WESTERN SAHARA. THE MARCH
WAS A MOVEMENT ENTHUSIASTICALLY SUPPORTED BY THE
PEOPLE OF MOROCCO.

(B) RECENTLY THERE HAD BEEN DIRECT CONTACTS BETWEEN
SPAIN AND MOROCCO WITH A VIEW TO ARRIVING AT A
SOLUTION ON A BILATERAL BASIS, WITH THE PARTICIPATION
OF MAURITANIA. MOROCCO HOPED THAT THOSE DIRECT
CONTACTS WOULD LEAD TO AN UNDERSTANDING. HOWEVER,
SHOULD THOSE EFFORTS NOT SUCCEED, IT APPEARED THAT
MOROCCO WOULD BE PREPARED TO CONSIDER OTHER APPROACHES
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IN WHICH THE UNITED NATIONS COULD BE CALLED UPON TO
PLAY AN APPROPRIATE ROLE. A FINAL REACTION TO ANY
PROPOSAL IN THIS REGARD WOULD REQUIRE CAREFUL PRIOR
STUDY.

(C) MOROCCO APPRECIATED THE ADVISORY OPINION OF THE
INTERNATIONAL COURT OF JUSTICE INsofar AS THAT OPINION
STRESSED THE EXISTENCE OF LEGAL TIES OF ALLEGIANCE
BETWEEN THE SULTAN OF MOROCCO AND TRIBES LIVING IN
THE TERRITORY OF WESTERN SAHARA. IT DID NOT AGREE,
HOWEVER, WITH THE COURT'S CONCLUSION THAT THE
MATERIALS AND INFORMATION PRESENTED TO THE COURT
DID NOT ESTABLISH ANY TIE OF TERRITORIAL SOVEREIGNTY
BETWEEN THE TERRITORY OF WESTERN SAHARA AND THE
KINGDOM OF MOROCCO. MOROCCO'S INTENTIONS WERE

PEACEFUL, AND THERE WAS NO REASON WHY ITS PEOPLE
SHOULD NOT RETURN PEACEFULLY TO A TERRITORY WHICH
BELONGED HISTORICALLY TO IT.

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TO SECSTATE WASHDC PRIORITY 3522

INFO AMEMBASSY ALGIERS PRIORITY

AMEMBASSY MADRID PRIORITY

AMEMBASSY RABAT PRIORITY

AMEMBASSY NOUAKCHOTT PRIORITY

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13. HIS MAJESTY EXPRESSED SATISFACTION AT THE VISIT OF THE
SECRETARY-GENERAL, WHICH AFFORDED AN OPPORTUNITY TO EXPLAIN
IN MORE DTAIL THE POSITION OF MOROCCO. HE ASKED ME TO KEEP
HIM INFORMED OF MY TALKS WITH THE OTHER GOVERNMENTS.
ACCORDINGLY, IT WAS AGREED THAT, AFTER MY LAST VISIT, I
WOULD DO SO EITHER THROUGH DIPLOMATIC CHANNELS OR
BY SENDING A PERSONAL REPRESENTATIVE.

III. POSITION OF MAURITANIA

14. THE POSITION OF MAURITANIA, AS EXPLAINED TO ME DURING
MY CONSULTATIONS WITH PRESIDENT MOKTAR OULD DADDAH,
CAN BE SUMMARIZED AS FOLLOWS:

(A) MAURITANIA'S POSITION WAS BASICALLY SIMILAR TO
THAT OF MOROCCO. IT LIKewise BELIEVED THAT THE INTERNATIONAL
COURT OF JUSTICE HAD VALIDATED ITS TERRITORIAL CLAIMS.
MAURITANIA FELT THAT THE SITUATION CREATED BY THE "GREEN

MARCH" TOWARDS WESTERN SAHARA WAS LINKED WITH THE QUESTION OF THE TERRITORY'S DECOLONIZATION AND THAT THE TWO ASPECTS OF THE PROBLEM COULD NOT BE SEPARATED.
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(B) MAURITANIA SHARED THE OPINION OF MOROCCO THAT A SOLUTION TO THE DECOLONIZATION OF WESTERN SAHARA COULD BE REACHED THROUGH DIRECT NEGOTIATIONS BETWEEN SPAIN ON THE ONE HAND AND MOROCCO AND MAURITANIA ON THE OTHER. ALTHOUGH MAURITANIA FELT THAT SPAIN WOULD BE AMENABLE TO SUCH AN APPROACH, MADRID HAD GIVEN NO CLEAR INDICATION TO THIS EFFECT.

(C) MAURITANIA HOPED THAT ANY SETTLEMENT REACHED BY MEANS OF SUCH NEGOTIATIONS WOULD RECEIVE THE SUPPORT OF THE UNITED NATIONS. IF THEY SHOULD FAIL, MAURITANIA WOULD BE PREPARED TO CONSIDER A SOLUTION IN WHICH THE UNITED NATIONS WOULD BE CALLED UPON TO PLAY AN APPROPRIATE ROLE.

IV. POSITION OF ALGERIA

15. THE POSITION OF ALGERIA, AS EXPLAINED DURING THE CONSULTATIONS WITH PRESIDENT HOURARI BOUMEDIENE, CAN BE SUMMARIZED AS FOLLOWS:

(A) ALGERIA CATEGORICALLY REJECTED THE POSITION TAKEN BY MOROCCO AND MAURITANIA THAT WESTERN SAHARA BELONGS TO THEM BY HISTORICAL TIES. IT HELD THE VIEW THAT THE INTERNATIONAL COURT OF JUSTICE, IN ITS ADVISORY OPINION, HAD CONFIRMED THAT THERE WAS NO JUSTIFICATION FOR TERRITORIAL CLAIMS BY EITHER MOROCCO OR MAURITANIA.

(B) ALGERIA ITSELF HAD NO TERRITORIAL CLAIM ON WESTERN SAHARA BUT IT INSISTED THAT THE PEOPLE OF THE TERRITORY MUST BE ENABLED TO DECIDE THEIR OWN FUTURE THROUGH THE EXERCISE OF THEIR RIGHT TO SELF-DETERMINATION.

(C) ALGERIA CONSIDERED THAT ALL PARTIES SHOULD AWAIT THE DECISION OF THE GENERAL ASSEMBLY, PURSUANT TO RESOLUTION 3292 (XXIX) ON THE POLICY TO BE FOLLOWED FOR THE DECOLONIZATION OF WESTERN SAHARA. ANY SOLUTION OF THIS PROBLEM OUTSIDE THE UNITED NATIONS WOULD BE UNACCEPTABLE TO ALGERIA. IN ITS OPINION THE "GREEN MARCH" WAS CLEARLY CONTRARY TO THE RELEVANT RESOLUTIONS OF THE UNITED NATIONS. UNDER NO CIRCUMSTANCES WOULD ALGERIA BE PREPARED TO ENDORSE A FAIT ACCOMPLI.
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(D) ALGERIA MAINTAINED THAT THE PRINCIPLE OF SELF-DETERMINATION MUST BE IMPLEMENTED BY A REFERENDUM IN THE TERRITORY. SUCH A REFERENDUM SHOULD BE ORGANIZED BY THE UNITED NATIONS WHICH HAD A SPECIAL ROLE TO PLAY IN THE PROCESS OF THE DECOLONIZATION OF WESTERN SAHARA. ALGERIA WOULD AGREE WITHOUT RESERVATION TO WHATEVER ROLE THE UNITED NATIONS DECIDED TO ASSUME IN THIS REGARD. IT WAS READY TO ACCEPT THE RESULTS OF SUCH A REFERENDUM, WHATEVER THE PEOPLE MIGHT DECIDE. ON THE OTHER HAND, ALGERIA COULD NOT ACCEPT ANY BILATERAL SETTLEMENT WHICH MIGHT BE AGREED UPON BETWEEN SPAIN, MOROCCO AND MAURITANIA. ANY TAKEOVER OF THE TERRITORY BY MOROCCO RESULTING FROM SUCH A SETTLEMENT WOULD HAVE SERIOUS REPERCUSSIONS BOTH WITHIN AND OUTSIDE THE AREA.

V. POSITION OF SPAIN

16. THE POSITION OF SPAIN, AS EXPLAINED DURING THE CONSULTATIONS WITH THE PRESIDENT OF THE GOVERNMENT, MR. ARIAS NAVARRO AND THE MINISTER FOR FOREIGN AFFAIRS, MR. CORTINA MAURI, CAN BE SUMMARIZED AS FOLLOWS:

(A) ALTHOUGH THE GOVERNMENT OF SPAIN HAD ESTABLISHED DIRECT CONTACTS WITH THE GOVERNMENTS OF MOROCCO AND MAURITANIA BECAUSE OF THE URGENCY OF THE SITUATION CREATED BY THE "GREEN MARCH", IT HAD NOT COMMITTED ITSELF TO SEEKING A SOLUTION TO THE DECOLONIZATION OF WESTERN SAHARA ON A BILATERAL OR TRILATERAL BASIS.

(B) SPAIN HAD TAKEN THE POSITION THAT THE SITUATION CREATED BY THE "GREEN MARCH" SHOULD BE CONSIDERED SEPARATELY FROM THE PROBLEM OF THE POLICY TO BE FOLLOWED FOR THE DECOLONIZATION OF WESTERN SAHARA. HOWEVER, IN THE LIGHT OF THE MOST RECENT DEVELOPMENTS IT HAD BECOME APPARENT THAT IN PRACTICE THE TWO ASPECTS OF THE QUESTION COULD NOT BE SEPARATED.

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TO SECSTATE WASHDC PRIORITY 3523

INFO AMEMBASSY ALGIERS PRIORITY

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(C) SPAIN STRONGLY DESIRED TO FIND AN AGREEMENT WHICH WOULD BE ACCEPTABLE TO ALL THE PARTIES IN THE AREA. IN ORDER TO ACHIEVE THIS AIM SPAIN WAS READY TO CO-OPERATE FULLY WITH THE UNITED NATIONS WHICH COULD BE CALLED UPON TO PLAY AN APPROPRIATE ROLE THAT MIGHT INCLUDE TEMPORARY ADMINISTRATION OF THE TERRITORY BY THE UNITED NATIONS UNTIL SUCH TIME AS THE WISHES OF THE POPULATION COULD BE ASCERTAINED. VARIOUS ASPECTS OF SUCH AN APPROACH WERE DISCUSSED.

VI. CONCLUSIONS

17. AS I HAVE EXPLAINED ABOVE, ON THE BASIS OF THE MANDATE ENTRUSTED TO ME BY THE SECURITY COUNCIL IN PARAGRAPH 1 OF RESOLUTION 377 (1975), I HAVE ENTERED INTO IMMEDIATE CONSULTATIONS WITH THE PARTIES CONCERNED AND INTERESTED. THEIR POSITIONS ON THE SITUATION CONCERNING WESTERN SAHARA, AS EXPLAINED DURING THE CONSULTATIONS, ARE SET OUT IN THIS REPORT.

18. WHILE NOT ALL PARTIES HAVE ARRIVED AT FINAL DECISIONS, IT LIMITED OFFICIAL USE

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SEEMS TO ME THAT THEY WOULD BE PREPARED TO RECOGNIZE THE UNITED NATIONS AS AN ESSENTIAL ELEMENT IN THE SEARCH FOR AN ACCEPTABLE SOLUTION. IN THE FRAMEWORK OF SUCH A SOLUTION THE UNITED NATIONS MIGHT BE CALLED UPON TO PLAY AN APPROPRIATE ROLE, AS INDICATED IN THE PRECEDING CHAPTERS.

19. ACCORDINGLY, MY CONSULTATIONS WITH THE PARTIES ARE CONTINUING AND IT CAN BE EXPECTED THAT THEIR RESULTS WILL BE KNOWN

SHORTLY. I SHALL NOT FAIL TO KEEP THE COUNCIL INFORMED.

20. MEANWHILE, THE SITUATION IN THE AREA REMAINS GRAVE.
I CONSIDER IT, THEREFORE, OF THE GREATEST IMPORTANCE THAT
ANY ACTION BE AVOIDED WHICH MIGHT FURTHER ESCALATE THE TENSION.
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